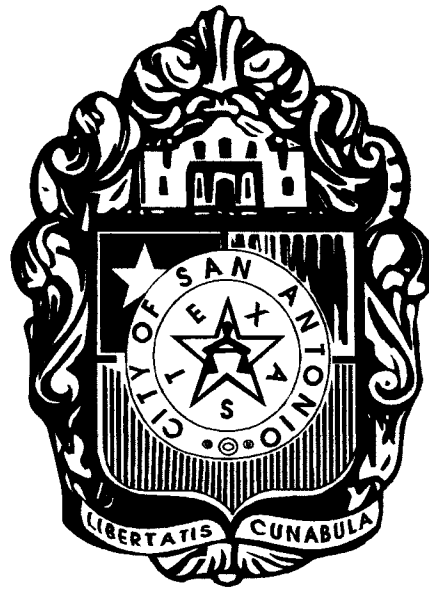


CITY OF SAN ANTONIO, TEXAS

Department of Finance

Public Utilities Division



Request For Proposals

**To Provide A Limited Review of Public, Educational and
Government Channel Facilities and Equipment**

February 4, 2003

CITY OF SAN ANTONIO, TEXAS
Request For Proposals To Provide
A Limited Review of Public, Educational and Government (PEG)
Channel Facilities and Equipment

	<u>Page</u>
Introduction _____	2
Scope of Service _____	3
Information Relevant to the Submission of a Proposal _____	3
Submission of Proposal _____	3
Response Format _____	4
Contact Persons _____	4
City's Right to Reject Proposals _____	4
Public Information _____	5
No Cost Reimbursement _____	5
Execution of Contract _____	5
Term of Contract _____	5
Conflict of Interest _____	5
Independent Contractor _____	6
Compliance with all Applicable Laws and Regulations _____	6
Small Business Economic Development Advocacy (SBEDA) _____	6
Ethics Ordinance _____	7
Insurance Requirements _____	7
Proposal Content _____	7
Evaluation Criteria _____	9
Small Business Economic Development Advocacy Policy Requirements	Attachment I
List of Subcontractors _____	Attachment II
Discretionary Contracts Disclosure Form _____	Attachment III
Litigation Disclosure Forms _____	Attachment IV

INTRODUCTION

The City of San Antonio, Texas, is requesting proposals from qualified contractors to conduct a limited review of the existing Public, Educational, and Government (PEG) channel facilities and equipment, including the associated value, and to provide recommendations, plans, policies and anticipated costs, on the how the City's long term goals for its PEG programming and facilities can be achieved. Those submitting proposals must be qualified and experienced in: 1) the management of electronic media production equipment, 2) the daily operation of public, educational and government channels and 3) the latest technology in electronic media production equipment.

Goals

The overall focus of this Request for Proposals (RFP) will be directed toward meeting the following goals:

- To obtain an accurate financial assessment of the value of all of the existing equipment and facilities currently being used to produce programming on the PEG channels
- To obtain a detailed plan of action to create a modern state of the art production studio(s) for the production of public, educational and government programming
- To obtain a recommendation of the most efficient method to structure the management and operation of the PEG channels

Historical Perspective

Pursuant to Section 611 of the Communications Act, local franchising authorities may require cable operators to set aside channels for public, educational, or government ("PEG") use. Access requirements are intended to provide programming diversity over cable systems. In the case of PEG access, the channel capacity provides a forum for the public, educational institutions and state and local governments to cablecast programming and information that would not otherwise be cablecast over the system. The City also seeks to use Public and Educational access channels to promote community dialogue and communications diversity. The City currently has three PEG channels (one public access, one educational and one government) with the ability to expand to six channels. Until 2001, the City had one cable operator (Time Warner Cable) providing service within the corporate City limits. Time Warner has and is currently operating the Public Access studios and equipment and is responsible for all aspects of the operation of the Educational Access and Public Access channels. Time Warner Cable also operates the Government Channel with the assistance of the City's External Relations Department. The majority of existing PEG facilities and equipment are located at 8434 Gualt Lane, San Antonio, Texas 78209. This would include, cameras, studios, editing equipment and a training room used to train public access producers. Additional PEG facilities are located at Trinity University, San Antonio College and in the City of San Antonio's Municipal Plaza Building.

The City has granted cable franchises to two other companies, Western Integrated Networks and Grande Communications. The City anticipates it will receive PEG funding from Grande Communications as well as Time Warner Cable. Time Warner Cable's franchise agreement with the City will expire in November 2003 and as such City staff members have begun the renewal process and development of a new franchise agreement. The City's franchise agreement with

Grande may be unilaterally modified by the City to ensure equitable franchise terms and obligations. As a part of the franchise renewal process, the City will evaluate all PEG facilities and create a plan for improving PEG facilities and programming. The improved PEG facilities and equipment should satisfy the City's needs for the next fifteen years. In order to facilitate the evaluation of all the PEG facilities and equipment, the City is seeking the expert advice of a qualified third party.

SCOPE OF SERVICE

Proposals will only be accepted from qualified contractors who propose to provide all of the services listed below. A draft report of the Baseline Scope of Services must be provided no later than April 1, 2003. Information submitted by each contractor submitting a proposal will be used to award points based on the evaluation criteria listed on page nine of this request for proposals.

Baseline Scope of Services:

- a. Evaluate all existing PEG facilities and equipment and provide a report to the City which evaluates their current condition, estimates their market value and remaining life.
- b. Provide a report which lists the type and cost of the latest media production equipment necessary to meet the City's requirements for the next (15) fifteen years.
- c. Provide a plan of action which describes the process and the actions necessary to create a modern state of the art PEG studio(s) which will serve the City's needs for the next (15) fifteen years.
- d. Provide a report and recommendation on the most efficient management structure for the day to day operation of the PEG channels.

Additional Services

- e. The City may request that additional related services be provided at the sole discretion of the City, such as conducting surveys or working with focus groups. The additional services if elected by the City, may be treated as an amendment to the initial agreement.

Contractors submitting proposals understand that the City staff retains the right to use any valid statistical method to evaluate proposals submitted by contractors in response to this request for proposals.

INFORMATION RELEVANT TO THE SUBMISSION OF A PROPOSAL

Submission of Proposal

An original and ten (10) signed copies of a "Proposal to Provide A Review of PEG Facilities and Equipment" must be submitted to the office of the City Clerk, City Hall, 100 Military Plaza, San Antonio, Texas 78205 no later than 4:00 p.m. Central (San Antonio) Daylight time on February 20, 2003. Any proposal received after 4:00 p.m. on such date will not be accepted or considered and will be returned unopened. All proposals must be delivered in a sealed package and must be

plainly marked "Proposal to Provide A Review of PEG Facilities and Equipment," Attn.: Ben Gorzell Jr., CPA, Public Utilities Supervisor/Assistant Finance Director.

All proposals, once submitted, shall become the property of the City of San Antonio and will not be returned. Any information deemed to be confidential by a contractor should be clearly noted on the page or pages where such confidential information is contained.

The proposal must be signed by a person authorized to bind the contractor submitting the proposal. Proposals signed by a person other than an officer or partner of the contractor are to be accompanied by evidence of authority.

Response Format

Contractors responding who submit a proposal must answer all questions set forth in this RFP under the section titled "Proposal Content", and must submit all documents as required hereunder. Failure to respond to any question or any portion of this RFP may result in the proposal being deemed nonresponsive and rejected from further consideration.

Contact Persons

The City's authorized contact persons throughout the RFP process are listed below. All questions concerning this RFP, must be submitted in writing, on firm letterhead, via FAX transmission or other delivery method of written material. All questions must be submitted no later than 4:30 p.m., February 12, 2003. Questions specifically related to SBEDA requirements must be submitted to Mr. Courtney McClure in the City's Economic Development Department. Contact with persons other than those listed below, could result in the disqualification of the proposal submitted. In fairness to all contractors submitting proposals, the City will not meet in person with anyone representing a potential contractor during the RFP process. This does not exclude meetings required to conduct business not related to the RFP.

The City reserves the right to contact any contractor to seek clarification or other discussion as deemed necessary after the proposal responses have been opened.

<u>Contact Person</u>	<u>Position</u>	<u>Telephone</u>	<u>FAX</u>
Veronica Carrillo	Sr. Mgmt. Analyst	(210)207-8096	(210)207-4072
Courtney McClure	Economic Specialist	(210)207-3913	(210)207-3909
Keith Martin	Asst. City Attorney	(210)207-2114	(210)207-4004

City's Right to Reject Proposals

The City reserves the right to reject any and all proposals, cancel the entire RFP, and/or issue a subsequent RFP. In addition, the City reserves the right to re-advertise for the services listed herein if all proposals are rejected. The City also reserves the right to issue another RFP for the Review of PEG Facilities and Equipment not specifically covered hereby and to execute a contract with a selected contractor. The City retains the right to select all or part of the services proposed to be provided by contractors in response to this RFP, and/or to execute one or more contracts for the services listed herein.

Public Information

Contractors are advised that all proposals shall become City property at the time of submission, and the information contained in the proposals could be made available to the public upon request under the Texas Open Records Act.

No Cost Reimbursement

The issuance and release of this RFP does not commit the City to enter into a contract, nor does it obligate the City to pay any costs incurred or associated with the preparation and/or submission of proposals or oral presentations to clarify or supplement a proposal, nor costs associated in anticipation of a contract award.

Execution of Contract

The contractor selected to provide a limited review of PEG channel facilities and equipment agrees, by submission of a proposal, to work with the City to execute a contract by February 28, 2003. In the event that the contractor cannot or will not execute such an agreement, the City may at its sole discretion, award the contract to the contractor it deems to have the next most advantageous proposal. The contractor should be aware that the contents of the successful proposal will become part of the subsequent contractual documents. Failure of contractor to accept this obligation may result in the cancellation of any award. Any damages accruing to the City as a result of the contractor's failure to contract may be recovered from the contractor.

Term of Contract

The contract, once awarded, will become effective on or about March 1, 2003. The City expects the contractor selected to provide a draft report covering all of the items enumerated under the Baseline Scope of Services by April 1, 2003.

Conflict of Interest

The City of San Antonio Ethics Code prohibits contracts between the City and its local public officials, employees, and agents from being neither officers nor employees of City or any City agency such as City-owned utilities. It further prohibits Respondent's officers, employees and agents from having a prohibited financial interest in a contract with the City. A prohibited financial interest means a City officer or employee, his or her parent, child, or spouse, a business entity in which the officer or employee, or his or her parent, child, or spouse, directly or indirectly, owns ten (10) percent or more of the voting stock or shares of the business entity; or ten (10) percent or more of the fair market value of the business entity; or a business entity of which any individual or entity above listed is a subcontractor on a City contract, a partner, or a parent or subsidiary business entity. Contractor responding shall disclose whether there are any existing or potential conflicts of interest related to this provision.

Contractors responding must tender an Ethics Disclosure Form in their proposal. Failure to do so may result in contractor's proposal being deemed non-responsive.

Independent Contractor

It is expressly understood and agreed that the selected contractor provides services as an independent contractor, responsible for its respective acts or omissions, and that the City shall in no way be responsible therefore; and that neither party hereto has authority to bind the other or to hold out to third parties that it has the authority to bind the other.

Compliance with all Applicable Laws and Regulations

Selected contractor agrees that while in performance of duties, obligations and covenants under contract, it shall comply with all applicable federal, state and local laws, rules and regulations.

Small Business Economic Development Advocacy (SBEDA) Policy Requirements

Pursuant to Ordinance No. 96754, it is the policy of the City of San Antonio to involve Small, Minority, Women and African-American Owned Business Enterprises (S/M/W/AABE) to the greatest extent feasible in the City's discretionary contracts. The intent and purpose of the policy is to ensure that S/M/W/AABE firms have the opportunity to compete for City contracts without discrimination on the basis of race, color, religion, national origin, age, sex or handicap. To accomplish the objectives of the SBEDA policy, the City has established specific goals for local S/M/W/AABE participation in this contract.

On this contract, the City has established the following contracting goals:

Minority-Owned Business Enterprise (MBE):	31 %
Women-Owned Business Enterprise (WBE):	10 %
African-American-Owned Business Enterprise (AABE):	2.2%
Small Business Enterprise (SBE):	50 %

Contractors will be evaluated based on the level of Local and Disadvantages Business Enterprise (DBE) performance. Credit will be given to proposals as follows:

Small Business Economic Development Advocacy Program (SBEDA) (20 points):

1. A maximum of ten percentage (10) points for Local Business Enterprises (LBEs).

Prime contractors who have a local branch office will receive six percent (6%) of the selection points.

Non-local prime contractors can receive points for subcontracting with local businesses proportional to the amount of work performed by those local subcontractors (i.e. – 50% to local = 5 points).

2. A maximum of five percentage (5%) points for companies designated as Historically Underutilized Enterprises (HUEs).

Prime contractors who subcontract with HUEs can receive points proportional to amount of work performed by those HUEs(i.e. – 50% to HUEs = 2.5 points).

HUEs must be certified by the City's certifying agency or approved by the Director of Economic Development or designee.

3. A maximum of five percentage (5%) points for Prime Contractor compliance with the Small Business Economic Development Advocacy (SBEDA) policy:

- i. One percent (1%) for submission/approval of the Good Faith Effort Plan.
- ii. One percent (1%) for meeting/exceeding the MBE goal.
- iii. One percent (1%) for meeting/exceeding the WBE goal.
- iv. One percent (1%) for meeting/exceeding the AABE goal.
- v. One percent (1%) for meeting/exceeding the SBE goal.

Contractors submitting proposals are encouraged to contact the Economic Development Department for pertinent information regarding the City's SBEDA Policy. For information call the SBEDA Office at (210) 207-3915, FAX: (210) 207-3909. Please see Attachment I.

Ethics Ordinance

All respondents must complete and return with the proposal a Discretionary Contracts Disclosure form as required by City Ordinance. Please see Attachment III.

Insurance Requirements

CONTRACTOR shall be responsible for insuring its employees and sub-CONTRACTORS for Worker's Compensation or alternative plan. If a Worker's Compensation Policy is maintained, then for the duration of this CONTRACT, CONTRACTOR will attach a waiver of subrogation in favor of the CITY.

CONTRACTOR shall be responsible for insuring its own Property, Equipment, Autos and Legal Liability. In no event will the CITY be required to maintain any insurance coverages for the CONTRACTOR.

PROPOSAL CONTENT

The information requested below will be used by the PEG RFP Review Committee to evaluate proposals submitted by contractors. Each item should be specifically addressed. Utilization of existing brochures, pamphlets and information items is an acceptable form of response to a question only if such material specifically addresses the question and does not require interpretation or evaluation to form a conclusion. Failure to respond to a question may result in a proposal being deemed nonresponsive and therefore not considered in the selection process.

The proposal itself shall be organized in the following format and informational sequence:

1. Business Organization: State full name and address of your organization and identify parent company if you are a subsidiary. Specify the branch office or other subordinate element which will perform or assist in performing, work herein. Indicate whether you operate as a partnership,

corporation or individual. Include the State in which your firm is incorporated or licensed to operate.

2. Please provide the names and resumes of those individuals in your firm who will be performing the services under this RFP.

3. Provide a detailed workplan explaining how your firm will:

- Evaluate all existing PEG facilities and equipment and provide a report to the City which evaluates their current condition, estimates their market values and remaining life.
- Provide a detailed report which lists the type and cost of the latest media production equipment available.
- Create a plan of action, which describes the process and the actions necessary to create a modern state of the art PEG studio(s) that will serve the City's needs for the next fifteen years.
- Provide a report and recommendation on the most efficient management structure for the day to day operation of the PEG channels.

4. Provide the cost to the City of performing the services under this RFP.

- Provide the total cost for performing each task (a.,b.,c.,d.) under the Baseline Scope of Services.
- Provide a fee schedule which the City would be billed for any additional related services to be provided at the sole discretion of the City.

5. Please provide three references of entities, preferably governmental, for which you have performed similar studies. Include the names, titles and telephone numbers of those individuals who would be familiar with the work done by your firm.

6. Please provide a completed List of Subcontractors. (Attachment II)

7. Please provide a completed Discretionary Contracts Disclosure Form. (Attachment III)

8. Please provide a completed Litigation Disclosure Form.(Attachment IV)

EVALUATION CRITERIA

The PEG RFP Selection Committee will evaluate proposals according to the criteria shown below. The Selection Committee will be comprised of individuals from the Departments of Finance, Information Services and External Relations. A representative of the City Attorney's Office will participate in an advisory capacity on the Selection Committee.

<i>Evaluation Criteria</i>	<i>Maximum Points To Be Awarded</i>
Contractor's Qualifications	20
Contractor's Experience	20
Contractor's Work Plan	25
Contractor's Cost Proposal	15
Local Presence	10
SBEDA Compliance	5
Disadvantaged Business Enterprise	5
TOTAL	100

Attachment I

SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY (SBEDA)

For Use with Contracts Between \$25,000 - \$200,000

1. **Small Business Participation**

Pursuant to Ordinance No. 96754, it is the policy of the City of San Antonio to involve Small, Minority, Women and African-American Owned Business Enterprises (S/M/W/AABE) to the greatest extent feasible in the City's discretionary contracts. The intent and purpose of the policy is to ensure that S/M/W/AABE firms have the opportunity to compete for City contracts without discrimination on the basis of race, color, religion, national origin, age, sex or handicap. To accomplish the objectives of the SBEDA policy, the City has established specific goals for local S/M/W/AABE participation in this contract.

2. **DEFINITIONS** related to the Small Business Economic Development Advocacy Provisions:

- a. **SBEDA Program:** Small Business Economic Development Advocacy Program designed to promote the utilization and participation of Local, Minority, Women, and African-American Owned Business Enterprises in City sponsored contract opportunities.
- b. **Small Business Enterprises (SBE):** a corporation, partnership, sole proprietorship or other legal entity, for the purpose of making a profit, which is independently owned and operated and which meets the U.S. Small Business Administration (SBA) size standard for small business. All firms meeting this threshold will be considered an SBE.
- c. **Local Business Enterprise (LBE):** a corporation, partnership, sole proprietorship, or other legal entity for the purpose of making a profit, which is headquartered within Bexar County for at least one year. For a branch office of a non-headquartered business to qualify as an LBE, the branch office must be located in Bexar County for at least one-year and employ a minimum of ten (10) residents of Bexar County or employ Bexar County residents for at least twenty-five (25%) of the entire company workforce for use at the local branch office.
- d. **Minority Business Enterprise (MBE):** a sole proprietorship, partnership, or corporation owned, operated, and controlled by a minority group member(s) who has at least 51% ownership. The minority group member(s) must have operational and managerial control, interest in capital, expertise and earnings commensurate with the percentage of ownership and be legal residents or citizens of the United States or its territories. To qualify as an MBE, the

enterprise shall be headquartered in Bexar County for any length of time, or shall be doing business in a locality or localities from which the City regularly solicits, or receives bids on or proposals for, City contracts within the MBES's category of contracting for at least one year.

- e. **Woman Business Enterprise (WBE)**: a sole proprietorship, partnership, or corporation owned, operated and controlled by women who have at least 51% ownership. The woman or women must have operational and managerial control, interest in capital, expertise and earnings commensurate with the percentage of ownership and be legal residents or citizens of the United States or its territories. To qualify as a WBE, the enterprise shall be headquartered in Bexar County for any length of time or shall be doing business in a locality or localities from which the City regularly solicits or receives bids on or proposals for, City contracts within the WBE's category of contracting for at least one year.
- f. **African-American Business Enterprise (AABE)**: a sole proprietorship, partnership, or corporation owned, operated and controlled by an African-American group member(s) who has at least 51% ownership. The African American Group member(s) must have operational and managerial control, interest in capital, expertise and earnings commensurate with the percentage of ownership and be legal residents or citizens of the United States or its territories. To qualify as an AABE, the enterprise shall be headquartered in Bexar County for any length of time or shall be doing business in a locality or localities from which the City regularly solicits, or receives bids on or proposals for, City contracts within the AABE's category of contracting for at least one year.

3. **Goals for Small Business Participation**

The goals for the utilization and participation of SBE-MBE-WBE-AABE businesses on this contract are as follows:

MBE	31%
WBE	10%
AABE	2.2%
SBE	50%

Please note that a small business could be classified in multiple categories and thus their utilization could in theory be counted in each category of goals. For example, **Prime Contractor X** submits a proposal, which specifies that they intend to subcontract with Subcontractor A for 10% of the contract. Subcontractor A is certified by the City as an SBE and MBE (a male-owned Hispanic Business owner can be certified as an SBE and MBE). **Prime Contractor X** also intends to subcontract with Subcontractor B for 13% of the contract. Subcontractor B is certified by the City as SBE, MBE and a WBE (a

female-owned Hispanic Business owner can be certified as SBE, MBE and WBE). In addition, **Prime Contractor X** also intends to subcontract 10% of the contract to Subcontractor C—a City certified SBE, MBE and AABE (a male-owned African-American business owner can be certified as both a MBE and as a AABE Business). **Prime Contractor X** is also classified as a local SBE. **Prime Contractor X's** compliance with the SBEDA goals under this scenario would be as follows:

	City's SBEDA Goals	Prime Contractor X's Compliance
MBE	31%	33%
WBE	10%	13%
AABE	2.2%	10%
SBE	50%	100%

Under this scenario, the contractor would be in full compliance with the SBEDA policy.

Another example regarding compliance with the policy is as follows: **Prime Contractor Y** submits a proposal, which specifies that they intend to partner through a joint-venture agreement with Company D. Company D is certified by the City as both an SBE and MBE (a male-owned Hispanic Business—certified as an SBE and MBE). As part of their joint-venture agreement, Company D will perform on 32.5% of the contract. **Prime Contractor Y** also intends to subcontract 13% of the contract with Subcontractor F. Subcontractor F is a City certified SBE/MBE/WBE and AABE business. **Prime Contractor Y** is also classified as a local SBE.

Prime Contractor Y compliance with the SBEDA goals would be as follows:

	City's SBEDA Goals	Prime Contractor Y's Compliance
MBE	31%	45.5%
WBE	10%	13%
AABE	2.2%	13%
SBE	50%	100%

Under this scenario, the contractor would be in full compliance with the SBEDA policy.

4. List of Subcontractors Required

Proposals shall include a List of Subcontractors (ATTACHED), which shall identify the particular SBEs, MBEs, WBEs and AABEs to be utilized in the performance of a contract awarded pursuant to this RFP.

5. MBE-WBE-AABE Certification Required

Only companies certified as MBE, WBE, or AABE through the South Central Texas Regional Certification Agency (SCTRCA), or as approved by the City of San Antonio Director of Economic Development, can be applied towards the contracting goals. Proof of certification must be submitted.

6. SBEDA Information

Interested contractors/proposers are encouraged to contact the Small Business Outreach Office for information regarding the City's SBEDA Policy. Please call (210) 207-3915 or FAX: (210) 207-8151.

Attachment II

LIST OF SUBCONTRACTORS/SUPPLIERS

The Bidder/Proposer, _____, as part of the procedure for the submission of bid/proposals on a project known as _____, submits the following list of subcontractors or proposed subcontracting areas (use additional sheets if necessary) to be used in the performance of work to be done on said project.

NAME OF SUBCONTRACTOR	MBE-WBE-AABE CERTIFICATION NUMBER	SBE (Y/N)	PERCENT AND DOLLAR AMOUNT OF SUBCONTRACT

The following section is to be completed if the contract (Project) is for less than \$200,000. Please list subcontracting solicitations to all MBE-WBE-AABE contractors for participation on project. If none, explain (exclude successful bidders listed above). Use additional sheets if necessary. **The contractor is expected to solicit participation on subcontracts from available MBE-WBE-AABE-SBEs under this contract.**

NAME OF COMPANY PERFORMING WORK	MBE-WBE-AABE CERTIFICATION NUMBER	SBE (Y/N)	REASON FOR REJECTION

Only companies certified as MBE, WBE, AABE or SBE by the City of San Antonio or its certifying organization can be applied towards the contracting goals. All MBE-WBE-AABE-SBE subcontractors must submit a copy of certification certificate through the Prime Contractor. Proof of certification must be attached to this form. If a subcontractor is not certified, please call the Small Business Outreach Division at (210) 207-3900 for information and details and how subcontractors can obtain certification.

It is understood and agreed that, if awarded a contract by the City of San Antonio, the Contractor will not make additions, deletions, or substitutions to this certified list without consent of the Director of Economic Development and Director of the appropriate contracting department (through the submittal of the Request for Approval of Change to Original Certified List of Subcontractors form).

AFFIRMATION

I HEREBY AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER UNDERSTAND AND AGREE THAT, IF AWARDED THE CONTRACT, THIS DOCUMENT SHALL BE ATTACHED THERETO AND BECOME A BINDING PART OF THE CONTRACT.

NAME AND TITLE OF AUTHORIZED OFFICIAL: _____

SIGNATURE: _____ DATE: _____

Attachment III

City of San Antonio

Discretionary Contracts Disclosure*

For use of this form, see City of San Antonio Ethics Code, Part D, Sections 1&2
Attach additional sheets if space provided is not sufficient.
State "Not Applicable" for questions that do not apply.

* This form is required to be supplemented in the event there is any change in the information under (1), (2), or (3) below, before the discretionary contract is the subject of council action, and no later than five (5) business days after any change about which information is required to be filed.

Disclosure of Parties, Owners, and Closely Related Persons

For the purpose of assisting the City in the enforcement of provisions contained in the City Charter and the Code of Ethics, an individual or business entity seeking a discretionary contract from the City is required to disclose in connection with a proposal for a discretionary contract:

(1) the identity of any **individual** who would be a party to the discretionary contract:

--

(2) the identity of any **business entity**¹ that would be a party to the discretionary contract:

--

and the name of:

(A) any individual or business entity that would be a **subcontractor** on the discretionary contract;

--

and the name of:

(B) any individual or business entity that is known to be a **partner**, or a **parent** or **subsidiary** business entity, of any individual or business entity who would be a party to the discretionary contract;

--

(3) the identity of any **lobbyist** or **public relations firm** employed for purposes relating to the discretionary contract being sought by any individual or business entity who would be a party to the discretionary contract.

--

¹ A *business entity* means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, unincorporated association, or any other entity recognized by law.

--

Political Contributions

Any individual or business entity seeking a discretionary contract from the city must disclose in connection with a proposal for a discretionary contract all political contributions totaling one hundred dollars (\$100) or more within the past twenty-four (24) months made directly or indirectly to any *current or former member* of City Council, any *candidate* for City Council, or to any *political action committee* that contributes to City Council elections, by any individual or business entity whose identity must be disclosed under (1), (2) or (3) above. Indirect contributions by an individual include, but are not limited to, contributions made by the individual's spouse, whether statutory or common-law. Indirect contributions by an entity include, but are not limited to, contributions made through the officers, owners, attorneys, or registered lobbyists of the entity.

To Whom Made:	Amount:	Date of Contribution:

Disclosures in Proposals

Any individual or business entity seeking a discretionary contract with the city shall disclose any known facts which, reasonably understood, raise a question² as to whether any city official or employee would violate Section 1 of Part B, Improper Economic Benefit, by participating in official action relating to the discretionary contract.

Signature:	Title: Company:	Date:

² For purposes of this rule, facts are "reasonably understood" to "raise a question" about the appropriateness of official action if a disinterested person would conclude that the facts, if true, require recusal or require careful consideration of whether or not recusal is required.

Attachment IV

CITY OF SAN ANTONIO
LITIGATION DISCLOSURE
CITY ATTORNEY'S OFFICE

Failure to fully and truthfully disclose the information required by this Litigation Disclosure form may result in the disqualification of your proposal from consideration or termination of the contract, once awarded.

1. Have you or any member of your Firm or Team to be assigned to this engagement ever been indicted or convicted of a felony or misdemeanor greater than a Class C in the last five (5) years?

Circle One YES NO

2. Have you or any member of your Firm or Team been terminated (for cause or otherwise) from any work being performed for the City of San Antonio or any other Federal, State or Local Government, or Private Entity?

Circle One YES NO

3. Have you or any member of your Firm or Team been involved in any claim or litigation with the City of San Antonio or any other Federal, State or Local Government, or Private Entity during the last ten (10) years?

Circle One YES NO

If you have answered "YES" to any of the above questions, please indicate the name(s) of the person(s), the nature, and the status and/or outcome of the indictment, conviction, termination, claim or litigation, as applicable. Any such information should be provided on a separate page, attached to this form and submitted with your proposal.

Signature/Title of Authorized Representative

Date